

CHAPTER NO. 853

HOUSE BILL NO. 2354

By Representative Overbey

Substituted for: Senate Bill No. 2448

By Senator Norris

AN ACT to amend Tennessee Code Annotated, Title 20, Chapter 6, Part 3, relative to claims for attorney fees.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 20, Chapter 6, Part 3, is amended by adding the following as a new section:

(a) If a plaintiff voluntarily dismisses an action while a counterclaim is pending for contractual attorney fees, and if the plaintiff does not timely recommence the action, the court, upon proper showing, may order that the counterclaimant is the prevailing party for the purpose of recovering contractual attorney fees.

(b) The provisions of this section shall only apply if the contract clause providing for attorney fees applies equally to all parties to the contract.

SECTION 2. This act shall take effect July 1, 2004, the public welfare requiring it.

PASSED: May 20, 2004

  
JIMMY RAIFEH, SPEAKER  
HOUSE OF REPRESENTATIVES

  
JOHN S. WILDER  
SPEAKER OF THE SENATE

APPROVED this 7<sup>th</sup> day of June 2004

  
PHIL BREDESEN, GOVERNOR